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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,457	06/14/2006	Marc Andre Peters	2003P02915WOUS	6887

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
YU, XIANG	

ART UNIT	PAPER NUMBER
2455	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/596,457	PETERS ET AL.	
	Examiner	Art Unit	
	XIANG YU	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,8,15 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8,15 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Remarks/Arguments

1. This Office Action is in response to the communications for the present US application number 10/596,457 last filed on June 03rd, 2011.

- Claims 2-7, 9-14, 16-18, 20, and 21 remain cancelled.
- Claims 1, 8, 15, and 19 are amended.
- Claims 1, 8, 15, and 19 remain pending and have been examined, directed to broadcast driven virtual community on P2P network.

2. Upon further review of the specifications and with regards to the newly amended claims 1, 8, 15, and 19, the emphasis on "a broadcast driven virtual private network connection" does not really change the overall interpretations. As previously discussed, the combination of the applied references already covers this concept. With respect to p2p, this can be easily interpreted as an virtual online community or gathering of peers (driven by similar interests or "broadcasts"), and wherein each group of peers can communicate within private channels or connections (see *Goldman:* columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40). It should be easy to understand that once peers find and join the groups of peers with similar interests within a p2p community, they have already formed an online virtual network. In addition, their communications channels would private directed to the members only and not directed to everyone over the network, such as other groups with different interests.

While the applicant's representative has argued and cited the entire limitation, it is still not clear, which specific element(s) are lacking. No further interpretations or alternative interpretations on the terms "broadcast driven" or "broadcast driven virtual private network" has been provided to counter-argue against the examiner's interpretations as provided in the last rounds of rejection. In addition, the examiner has gone through and tried to add additional emphasis and interpretations on the elements (i) through (v).

Separately, regarding the second limitation, starting with "deriving, via the network-enabled..." the "or" condition has been amended to and noted, but the rejection in combination with *Koike* still applies. In addition, there seems to be at least three separate instances of identifiers, which are still rather ambiguous. The (1) specific identifier, (2) a further identifier embedded within the content broadcast stream, and (3) another further identifier embedded within the EPG. Please go through and elaborate or clarify the distinctions.

See the new claim rejections for further clarifications with added emphasis on the points previously disclosed. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 8, 15, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* ("*Marshall*") in view of U.S. Patent No. US 7,552,460 B2 to *Goldman, Phillip Y.* ("*Goldman*") and further in view of U.S. Patent Publication No. US 2003/0120634 A1 to *Koike et al.* ("*Koike*").

As to **claim 1**, *Marshall* discloses **a method of enabling to identify a specific broadcast driven group of peers among multiple groups of peers on a peer-to-peer network, the method comprising:**

providing, via a broadcast network, a specific identifier of multiple identifiers for linking a content broadcast to the specific broadcast driven group of peers (*Marshall* discloses of users or peers with their personal video recorders (PVRs), which can obtain data from other peer devices, including other PVRs, installed within their individual end user sites (i.e., homes), within a peer-to-peer (p2p) network environment The desired or requested information or data is broadcasted in a variety of formats with associated meta-data acting as identifiers for the content data and the related peers, (e.g., *Marshall:* paragraphs [0013-14]). These peers are driven and fueled by their interests and/or goals and thus seeks related contents from other peers within the p2p network community (e.g., *Marshall:* paragraph [0024]).

Marshall discloses of various other peers, but does not go into details on the issue of groups of peers.

Goldman more expressly discloses of peers being able to form groups or a list of buddies who all share similar interests in what is being watched. All of which can be tracked through the EPG of their systems (i.e., such as the PVRs from *Marshall*) (e.g., *Goldman:* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40).

Marshall and *Goldman* are all analogous art because they are all in the same field of endeavor with respect to providing and sharing data information in a p2p environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Goldman's* concept of configuring or modifying the EPG to identify groups of peers or buddies that share similar interests or contents as the requesting user all within *Marshall's* concept of peers searching for content using the metadata identifiers with their PVR systems. One skilled in the art would be motivated to combine them and see the benefits and efficiency it offers as the peers and peer group identifiers along with data contents are more efficiently organized such that any peer user can more readily find something of interest with relative ease;

deriving, via a network-enabled consumer electronic apparatus, at an end-user site (wherever each user's PVR equipment is installed, (i.e., home)) **the specific identifier (i) from a further identifier embedded in a broadcast**

stream of the content broadcast in response to a reception of the content broadcast (using the same embodiment, and with *Goldman's* teachings of an Electronic Programming Guide (EPG) with various identifiers, along with the content being broadcasted from other peers or other PVR devices contains the metadata identifiers, a specific or particular identifier can be derived or extracted from another further identifier within the EPG, (e.g., *Marshall:* paragraphs [0014] and [0024] and *Goldman:* column 6, lines 55-60 and column 9, lines 44-49, and column 11, lines 23-43) **and (ii) from a further identifier embedded in an electronic program guide (EPG) in response to selecting the content broadcast from the EPG, the further identifier being representative of the content broadcast** (separately, *Marshall* also discloses of an EPG with associated indicators or other forms of identifiers for PVR units to pick up on, along with *Goldman's* teachings *of* the EPG with identifiers for its buddy users and content data, e.g., *Marshall:* paragraph [0018-19] and *Goldman:* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40)**, wherein the further identifier comprises a TV-anytime Content Reference Identifier that resolved into a peer group ID as part of the step of deriving** (*Marshall* and *Goldman* both do not expressly disclose of a TV-anytime Content Reference Identifier).

Koike more expressly discloses the concept of incorporating and using TV-Anytime Content Reference Identifiers (e.g., *Koike:* paragraphs [0059-60]), which can be implemented and used within the EPG, which contains all the

various other identifiers and associated to the multiple groups of peers or buddies driven or fueled by their interests.

Marshall, Goldman, and *Koike* are analogous art because they are in the same field of endeavor with respect to providing and sharing data information in a peer-to-peer environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Koike's* concept of using TV-Anytime Content Reference Identifiers along with *Goldman's* concept of having forming groups of peers or having buddies with similar interests within the EPG together within *Marshall's* concept of peers searching for content using metadata identifiers with their PVR systems, within a p2p network environment One skilled in the art would be motivated to combine them and see the benefits it offers as the identifiers can be used to help locate or associate with other similar groups in a more efficient manner**; and**

responsive to the specific identifier being derived, enabling, via the network-enabled consumer electronic apparatus, at the end-user site (the user's PVR equipment would enable or connect the user to…) **(i) a broadcast driven virtual network connection within the peer-to-peer network** (linking to an online virtual group of peers with common interests) **(ii) to the specific broadcast driven group of peers** (the group having a specific interest) **(iii) within a context of the content broadcast** (the information can be embedded within the broadcast, such as found within the EPG when locating peers of

similar interests) **(iv) to form a corresponding broadcast driven virtual private network that improves the scalability of the virtual private network connection of the specific broadcast driven group of peers within the peer-to-peer network** (an online virtual gathering of peers with similar interests that can easy scale) **(v) by routing messages of the broadcast driven group of peers only through members of that group and not to all peers of the multiple groups of peers on the peer-to-peer network** (members would be able to send instant messages or create chat sessions or discussion groups to just the members and not to the other groups on the p2p network.

Overall, *Marshall* discloses of a peer user using the PVR to browse or search for the specific content or other peers, combined with *Goldman's* teachings of browsing through the EPG for specific or requested identifiers (which can be the TV-anytime CRIDs from *Koike*), linking to groups of peers or buddies with similar interests. Once found, the user can join and be a part of that group or at least be associated with that group, e.g., *Goldman,* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40). In addition, the added terminology of a virtual private network connection can be easily interpreted as an online social group/gathering of peers as taught in the references, which means that the peers are already connecting through a private connection for members only, all having the similar interests, and not all the peers on a network.

See the previously stated reasons for combining *Marshall, Goldman,* and *Koike*.

As to **claims 8, 15, and 19**, see the similar rejection of claim 1, wherein for the last limitation, the term "linking" has been interpreted similarly to "enabling" (i.e., enabling a connection or connecting or associating). In addition, all the elements (i) through (v) are all covered, with the first three elements listed out of order, in the sequence of (iii), (i), (ii), (iv) and (v) with respect to claim 1. Please amend as necessary to remain consistent.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0156875 A1 to *Pabla, Kuldipsingh* is relevant, having disclosure on the issues of 1) connecting to peers or peer groups based on an identity or symbolic name, 2) reverse lookup on the peers within the same group to find similar interests, and 3) a virtual subnet similar to the virtual private network terminology (e.g., *Pabla:* paragraphs [0044], [0050], [0060], and [0065]).

US 2003/0191753 A1 to *Hoch, Michael* is also relevant, disclosing of a p2p network of peers, capable of connecting and sharing similar interests. *Hoch* further discloses of multiple identifiers used to categorize and separate different interests,

along with capabilities to message group members and share thoughts amongst peers (e.g., *Hoch:* paragraphs [0046], [0063], and [0090-93]).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571) 270-5695. The examiner can normally be reached on Monday - Friday 10:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. Y./
Examiner, Art Unit 2455

/EMMANUEL L. MOISE/
Supervisory Patent Examiner, Art Unit 2455